

**EPA Comments on the Draft Final
"No Further Action Justification Document"
for Operable Unit 16**

General Comments

Overall, this document was found to be inadequate to substantiate a determination that either no further action is required at this site, or that specific further action is required. The document will need to be revised to allow EPA and CDH to make the appropriate determination. Pursuant to IAG SOW Table 5, if "the data submitted does not allow a no further action determination to be made, then further action shall be required by EPA and CDH." We strongly advise DOE to work closely with CDH and EPA in developing a final document which will allow us to make a no further action determination, otherwise a full blown OU 16 RI/RFI may be required.

In looking at the document, it is clear to us that the document is simply a collection of excerpts from previous submittals which do not advance our knowledge over what the parties knew prior to execution of the IAG. The IAG clearly envisioned that DOE would conduct appropriate research into its archives, conduct limited physical site assessments, and develop a No Further Action Justification confirming (or rebutting, if appropriate) the parties' expectations that no further remedial action would be required for any of the OU 16 sites. The current draft submittal, which is merely a regurgitation of previously known information does not satisfy the requirements of the IAG.

In reviewing the historical information for each IHSS presented in this document, EPA is not able to determine whether the proposed actions as presented in section 3.0 are appropriate. DOE must submit additional information for EPA's evaluation. This information should include, but should not be limited to, detailed documentation or records of the incidents, response actions, analytical data of samples taken, and a rationale supporting the proposed actions. In the case it is determined that RI work is needed for some of the IHSS's, then the agencies should discuss field sampling activities needed and schedules for their implementation. Specific comments on the document are presented below.

As a matter of procedure, provided that DOE develops an acceptable Final No Further Action Justification, EPA believes that the document should undergo formal public comment. It is our view that final agency determination closing out this OU should be memorialized in a Record Of Decision (ROD) and that CERCLA § 117 public participation requirements (for Proposed Plans) be followed. Therefore, upon approval of the final document by EPA and CDH, it should be public noticed for comment. At the conclusion of the public comment period, a responsiveness summary should be developed and a No Action ROD developed. Guidance on developing a No Action ROD is attached. Specifically, the guidance relating to Case # 3, No Further Action Necessary should be followed. Table 6 of the IAG needs to be modified to reflect the issuance of a Proposed Plan and a No Further Action ROD.

Specific Comments

PAC 700-185, Responses to Operation or Occurrence. Were any samples taken after cleaning the spill with absorbent? Was the ground paved when the spill occurred? Is there any additional information which helps to support a "no further action"?

PAC 000-192, Responses to Operation or Occurrence. The text states that samples were collected and analyzed from several locations after diverting the flow to Pond B-1. The text needs to specify if the samples collected were soils or water samples. In addition, this document needs to include the results of the sample analysis.

PAC 700-194, Fate of Constituents Released to Environment. This section mentions some analytical results of water samples taken from Pond B-4 and Walnut Creek. This document needs to include more detailed analytical data. This is crucial to the evaluation and validation of the analytical results.

PAC NW-195, Physical/Chemical Description of Constituents Released. Detailed documentation on the spontaneous ignition of the nickel carbonyl vapors needs to be presented in this section. If all the vapors were consumed, then there may not be an air problem. However, there is a potential for soil contamination. Were any soil samples taken from the well?

PAC NW-195, Responses to Operation or Occurrence. This section needs to present in more detail the analytical data for the samples taken from the lip of the well. The analytical data should include information on the type of samples to determine whether the samples were taken from the air or soils.

PAC NW-195, Comments. The location of the well should be further defined.

PAC 100-196, Fate of Constituents Released to Environment. The backwash pond location needs to be defined. Once the location is identified, samples should be taken from the soils beneath the asphalt and sent to a laboratory for their analysis.

PAC 500-197, Responses to Operation or Occurrence. Were any samples taken from the excavated material during construction of the PSZ? Were any samples taken at trenches after the excavation? Are there indications that no other constituents were released?

PAC 500-197, Fate of Constituents Released to Environment. This section states that no radioactive contamination was detected in the material excavated from the scrap metal trenches. It is not clear whether samples were analyzed or real time monitoring was conducted. This section needs to explain this in more detail and present the results.

V.A.4.u-v-w-x. This IHSSs are not part of OU 16. They need to be removed from this document.

Organization. The document should be reorganized so that all information regarding each IHHS is grouped together. In addition, the document should be formatted in a manner consistent with EPA's guidance for formatting No Action RODs. This will facilitate Agency review and subsequent conversion into a Proposed Plan and No Action ROD.

2. Decision Summary:

- Site Name, Location, and Description
- Site History and Enforcement Activities
- Highlights of Community Participation
- Scope and Role of Operable Unit or Response Action
- Site Characteristics
- Summary of Site Risks

~~Description of Alternatives~~

~~Summary of Comparative Analysis of Alternatives~~

~~Selected Remedy~~

- Statutory Authority Finding: The concluding statement of the absence of CERCLA authority to address the problem should be the same as in the Declaration.
- Explanation of Significant Changes

3. Responsiveness Summary.

NO ACTION SITUATION #3: NO FURTHER ACTION NECESSARY

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose

~~Assessment of the Site~~

- Description of the Selected Remedy: The lead agency should state that no action is necessary for the site or operable unit, although it may authorize monitoring to verify that no unacceptable exposures to risks posed by conditions at the site or operable unit occur in the future.

~~Statutory Determinations~~

- Declaration Statement: This Declaration should state that it has been determined that no further remedial action is necessary at the site or operable unit. The Declaration should explain that a previous response(s) at the site or operable unit eliminated the need to conduct additional remedial action. This section also should note whether a

five-year review is required. Section 121(c) of CERCLA requires a five-year review of any earlier post-SARA remedy that eliminated the need to take further action (i.e., using engineering and/or institutional controls to prevent unacceptable exposures), yet resulted in hazardous substances, pollutants, or contaminants remaining at the site. As a matter of policy, EPA should generally perform a five-year review for pre-SARA remedies and removal actions that result in hazardous substances remaining on site, and any remedial action that requires five or more years to attain the cleanup levels specified in the ROD.

- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description
- Site History and Enforcement Activities
- Highlights of Community Participation
- Scope and Role of Operable Unit or Response Action
- Site Characteristics

- Summary of Site Risks: The information in this section provides the primary basis for the no action decision. The discussion should support the determination that no further remedial action is necessary to ensure protection of human health and the environment. The lead agency should explain the basis for its conclusion that unacceptable exposures to hazardous substances will not occur. (In most cases, this will be based on the baseline risk assessment conducted during the remedial investigation (RI).) Any previous responses that were conducted at the site or operable unit that served to eliminate the need for additional remedial action should be summarized in this discussion. In limited cases where alternatives were developed in the feasibility study (FS), the lead agency should reference the RI/FS Report.

~~Description of Alternatives~~

~~Summary of Comparative Analysis of Alternatives~~

~~Selected Remedy~~

~~Statutory Determinations~~

- Explanation of Significant Changes

3. Responsiveness Summary.